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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,490	09/23/2003	Yasuhiro Uehara	117112	1239
25944	7590	06/01/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			BEATTY, ROBERT B	
			ART UNIT	PAPER NUMBER
			2852	
DATE MAILED: 06/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/667,490

Applicant(s)

UEHARA ET AL.

Examiner

Robert Beatty

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,8-13 and 16-26 is/are rejected.
- 7) ☒ Claim(s) 3,6,7,14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. The drawings are objected to because Fig.7 should be labeled as "Prior Art"; in Figs. 1,3-4,7-9, the hatching is incorrect and should be revised. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The disclosure is objected to because of the following informalities: on page 25, line 14, "time" (second occurrence) should be changed to --temperature--.

Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2,8-12,16-22,24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Kosugi et al.

Kosugi et al. teach an image forming apparatus and fixing device for fixing toner images to a recording sheet. The fixing apparatus includes a thermal fixing unit 11A for applying heat and pressure to an unfixed toner image on a recording sheet so as to soften the toner to a meltable state, and a image smoothness/gloss control unit 11B for applying pressure to the unfixed image without using heat. See Fig. 2A-2B and col. 6, line 50 - col.8, line 46. The fixing unit comprises to engaged rollers 11A1 and 11A2 while the image smoothness/gloss unit includes two rollers 11B1, 11B2. As seen in Fig.2A,B, the smoothness/gloss rollers are moveable from a disengaged position at zero pressure to an engaged position which exerts a pressure. The smoothness/gloss rollers will exert a greater pressure than the fixing rollers. After, the toner image leaves the unheated smoothness/gloss control rollers, the

Art Unit: 2852

temperature of the toner will eventually fall below the glass transition temperature.

A method for performing this fixing operation is also disclosed.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kosugi et al. in view of Chen et al.

Kosugi et al. taught supra discloses most of what is claimed except the smootness/gloss control rollers having a base layer, an elastic layer, and a surface release layer. Chen et al. teach an image fixing device which uses gloss control rollers to adjust the gloss of an image on a recording medium. As disclosed in col.7, lines 8-45, the gloss finishing rollers can comprise a base layer 70, an elastic layer 73, and a surface release layer 75. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use gloss control rollers of the materials described in Chen et al. because toner can be prevented from adhering to the outer surface of the rollers (release layer) and a sufficient nip can be created via the elastic layer.

5. Claims 13 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kosugi et al. in view of Sakaizawa et al.

Kosugi et al. taught supra discloses most of what is claimed except adjusting the fixing temperature according to the kind of recording sheet. Sakaizawa et al. teach a fixing apparatus for fixing toner images to recording sheets where in accordance with the type of recording sheet (thickness) the fixing temperature will be adjusted. It would have been obvious to one of ordinary skill in the art at the time the invention was made to adjust the fixing temperature in accordance with the type of recording material because excellent fixing of thick or thin sheets can be accomplished.

6. Claims 3,6-7,14-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Moser, Usui et al., Blair et al., Franke, Elter, Aslam et al., and Merle all teach various image gloss/finishing units after the fixing unit.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Beatty whose telephone number is (571) 272-2130. The examiner can normally be reached on M-F from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley, can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

A handwritten signature in black ink, appearing to read 'Robert Beatty', is positioned above the printed name and title.

Robert Beatty  
Primary Examiner  
Art Unit 2852

May 28, 2005